

REGULAR CITY COUNCIL MEETING
February 10, 1997

PRESENT

Don Dafoe
Gayle Bunker
Robert Dekker
Robert Droubay
Dale Roper
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Dorothy Jeffery
Neil Forster
Richard Waddingham
Bryce Ashby
Grant & Louise Nielson
Mike Barney
Val Christofferson
Greg Schafer
Vance Bishop & children
Darin Phelps
Russell & Cindy Greathouse & children
Pete & Andrea Bulloch
Kay Niles
Kirtt Myers
Jane Beckwith
Ruth Hansen
Karen Chandler
Deb Greathouse
Valerie Mason

City Recorder
Public Works Director
City Attorney
Fire Chief
Owner - Topaz Condominiums
Contractor - Topaz Condominiums
City Resident
City Employee
City Resident
Millard County Chronicle/Progress
Owner - Baptist Church Property
Real Estate Agents
City Resident
Library Board Member
Library Board Member
Library Board Member
Library Board Member
Delta City Librarian
Delta Area Chamber of Commerce

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held January 13, 1997 were presented for consideration and approval. City Attorney Richard Waddingham requested that the following changes be made: Bottom of Page 2, last line, correct spelling of "Commission"; on Page 4, referring to the recommendation by the Planning & Zoning Commission regarding Val Christofferson, change the term "in progress" to "under construction"; on the same page, down four lines, correct spelling of "Officer"; on Page 6 referring to the drainage project, change the paragraph to indicate an address rather than refer to names of homes and buildings, and eliminate "which no longer exists"; on Page 8 paragraph 1, change "C.I.B." to "Community Impact Board" and add the word "of" between "set" and "plans" in the last line of the same paragraph.

Following discussion of the corrections, Council Member Gayle Bunker MOVED to approve the minutes of the Regular City Council Meeting held January 13, 1997, as corrected. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a discussion of the accounts payable, Council Member Robert Droubay MOVED that the accounts payable, as listed, be approved for payment in the amount of \$110,156.64. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE.

Attorney Waddingham stated that the amendment to the Business License Ordinance is not yet ready. There was no action taken by the Council.

NEW BUSINESS

MAYOR DON DAFOE: SET PUBLIC HEARING TO AMEND FISCAL YEAR 1996-1997 BUDGET.

Mayor Dafoe advised the Council that it has become necessary to adjust some line items in the 1996-1997 Budget. These items include:

<u>Department</u>	<u>Line Item</u>	<u>Budgeted</u>	<u>Actual</u>
Parks	Tree Trimming	\$5,000	\$7,124
Celebrations	Christmas Decorations	4,000	8,494
Water	Monitor System Repair		3,800

Mayor Dafoe proposes to adjust the Water Department budget by transferring money allocated to Capital Reserve to cover the additional expenditure.

An amendment also needs to be made to comply with a new law which went into effect January 1, 1997 regarding covering loads when hauling gravel, chips, landfill loads, etc. This will cost approximately \$7,200 for two trucks and two pup trailers. Mayor Dafoe proposes to adjust a line item in the Streets Department for equipment in the amount of \$7,500 to cover the cost.

The Sewer Department needs to be adjusted to replace the sewer auger, which is no longer in working condition. A new auger will cost approximately \$1,500. Mayor Dafoe suggests that funds be adjusted from the Capital Reserve account.

Mayor Dafoe advised the Council that we have recently closed out the Special Improvement District account for Delta Estates. There was a balance of \$19,320.73, which was transferred to the General Fund. Mayor Dafoe proposes to cover the additional expenses mentioned above with those funds remaining from the Delta Estates S.I.D.

Council Member Dale Roper MOVED to set a Public Hearing for Monday, February 24, 1997 at 6:45 p.m. for the purpose of receiving public comment regarding the proposed amendments to the Fiscal Year 1996-1997 Budget. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER/RUSSELL GREATHOUSE: REQUEST FOR APPROVAL OF ZONE CHANGE ON PROPERTY LOCATED AT 300 NORTH 350 WEST.

Mayor Dafoe stated that a Public Hearing was held February 10, 1997 and there were no negative comments concerning the proposed zone change. City Attorney Waddingham distributed copies of a proposed Ordinance entitled:

ORDINANCE NO. 97-177

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH, AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY LOCATED AT APPROXIMATELY 300 NORTH 350 EAST IN DELTA, UTAH FROM P/QP (PUBLIC/QUASI PUBLIC) TO R1-B (SINGLE FAMILY RESIDENTIAL) AND R-4 (MULTIPLE FAMILY RESIDENTIAL)

Council Member Gayle Bunker MOVED to approve Ordinance No. 97-177 which amends the zone boundaries to reclassify certain property located at approximately 300 North 350 West from P/QP to R-1-B (Single Family Residential) for the South portion of the property and to R-4 (Multiple Family Residential) for the North portion of the property, which currently has a church building on it. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Glen Swalberg	Yes
Robert Droubay	Yes
Gayle Bunker	Yes
Dale Roper	Yes
Robert Dekker	Yes

Mayor Dafoe stated that the ordinance had been adopted by unanimous vote of the Council.

COUNCIL MEMBER GAYLE BUNKER/VAL CHRISTOFFERSON: REQUEST FOR APPROVAL OF SINGLE LOT SUBDIVISION ON PROPERTY LOCATED AT 200 SOUTH CENTER.

Mayor Dafoe stated that a Public Hearing was held February 10, 1997 with no negative comments. City Attorney Waddingham advised the Council that the plat needs to be reviewed by the utility companies for easements. Following discussion, Council Member Glen Swalberg MOVED to approve the Subdivision Plat of North ½ Lot 4, Block 29, aka Christofferson One Subdivision at 200 South Center Street, subject to review of and signatures for utility easements. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion, there being none, he called for a roll call vote. The voting was as follows:

Glen Swalberg	Yes
Robert Droubay	Yes
Gayle Bunker	Yes
Dale Roper	Yes
Robert Dekker	Yes

Mayor Dafoe stated that the Christofferson One Subdivision had been approved by unanimous vote, subject to having the utility companies sign off on the plat.

COUNCIL MEMBER GAYLE BUNKER/GRANT NIELSON/MIKE BARNEY: REQUEST FOR APPROVAL OF PLANNED DEVELOPMENT PERMIT FOR TOPAZ CONDOMINIUM TOWNHOUSES.

City Attorney Waddingham distributed copies of a proposed ordinance entitled:

ORDINANCE NO. 97-178

AN ORDINANCE OF THE CITY COUNCIL OF DELTA, UTAH APPROVING A PLANNED DEVELOPMENT, PLANNED DEVELOPMENT PERMIT AND A RECORD OF SURVEY AND PLANNED DEVELOPMENT PLAT AND AMENDING THE ZONE DISTRICT BOUNDARIES TO RECLASSIFY CERTAIN PROPERTY LOCATED WITHIN THE BOUNDARIES OF APPROXIMATELY 400 EAST TOPAZ BOULEVARD IN DELTA, UTAH, FROM R-D (RESIDENTIAL DEVELOPMENT) TO PD (PLANNED DEVELOPMENT).

City Attorney Waddingham read to the Council the entire text of the Ordinance and advised the Council that he and Zoning Officer Neil Forster had carefully reviewed the requirements of the Zoning Ordinance to make certain that the City had complied with all appropriate requirements. He also stated that Zoning Officer Neil Forster had reconsidered whether there should be compliance with the Delta City Subdivision Ordinance. However, he concluded that the Planned Development was proper, and that it provided the same safeguards as the subdivision requirements. He also concluded that a subdivision would be inappropriate in this case.

Attorney Waddingham also stated that, in approving the Permit, the Council will also be approving the Zone Change. He asked Council Member Bunker, who is also a Planning Commission member, whether the Planning Commission's consideration of the Planned Development, Planned Development Permit, and plat also included reclassifying the zone from R-D (Residential Development) to PD (Planned Development), making it the proper subject of a Public Hearing. Council Member Bunker stated that it did, and that the zone change was a part of the Public Hearing, as earlier considered.

Following discussion Council Member Gayle Bunker MOVED to adopt Ordinance 97-178 approving the Planned Development, Planned Development Permit and Record of Survey and Planned Development Plat, and amending the zone district boundaries to reclassify certain property located at approximately 400 East Topaz Boulevard from R-D (Residential Development) to PD (Planned Development). The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Glen Swalberg	Yes
Robert Droubay	Yes
Gayle Bunker	Yes
Dale Roper	Yes
Robert Dekker	Yes

Mayor Dafoe stated that the ordinance had been adopted by unanimous vote of the Council.

VALERIE MASON, DELTA AREA CHAMBER OF COMMERCE: SESQUICENTENNIAL CELEBRATION.

Valerie Mason advised the Council that she is the Sesquicentennial Ambassador for West Millard County and, as such, is to encourage existing groups to implement sesquicentennial activities and utilize activities already in place. The State of Utah is attempting to make the celebration of the 150th year since the Pioneers arrived in Utah more of a service oriented activity. Mrs. Mason would like to encourage the Council to support Sesquicentennial activities and made suggestions that the Council may want to consider, as a City, to celebrate the Sesquicentennial. Some of the suggestions were recognizing and honoring the oldest man and woman living in the community, community cleanup and restoration projects, and participation in a Day of Service on July 19th, in connection with the L.D.S. Church.

The Council discussed several options which could be incorporated with the Fourth of July celebration.

COUNCIL MEMBER ROBERT DROUBAY/LIBRARY BOARD: LIBRARY EXPANSION

Council Member Robert Droubay asked City Librarian Deb Greathouse to present the information gathered by the Library Board to the Council. Mrs. Greathouse has been in contact with the State Library and has received information to assist in determining the square foot requirements for a library. She has put together a ten year projection of how many books, recordings, magazines, seating, etc. may be needed and has come up with a figure of approximately 7,100 square feet, which is a conservative figure. The existing library is 2,664 square feet, including the Bookmobile area. Mrs. Greathouse also concluded that the children's section gets used about 2/3 of the time the library is open, so the children's section should be the largest area in the library. Mayor Dafoe distributed a drawing showing two possible options for a proposed library addition. The drawing showing a 37' wide wing would provide an additional 3,330 square feet and the drawing showing a 50' wide wing would add about 4,100 square feet. It was felt that the 50' wide wing would be more open and functional. There was extensive discussion of the drawings by the Council and the Librarian. Mayor Dafoe advised the Library Board that we now need to get some plans drawn up in order to determine what funds will be needed. Mayor Dafoe suggested that the drawings be reviewed by the Library Board members and the Council to determine exactly what is needed, possibly visit other libraries in the State, then come back before the Council with a recommendation at the next Council meeting.

CITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE TO INCLUDE ORDINANCE GOVERNING SEXUALLY ORIENTED BUSINESSES.

City Attorney Waddingham advised the Council that the amendment to the Business License Ordinance will cover only the cost of allowing sexually oriented businesses to operate. The fees would be the only portion included in the business license section, the balance would be included in the criminal ordinance. We currently have an ordinance of this type, but it is not as comprehensive as the proposed ordinance included in the Council packets. If the Council would

like to have the more comprehensive ordinance, Attorney Waddingham will prepare a new ordinance, but it will be included in Title 13, not the Business License Ordinance. City Recorder Dorothy Jeffery stated that several cities are attempting to put these ordinances in place before they are faced with an application for a business license. They have increased fees for such businesses because they require increased work for the police departments. Attorney Waddingham told the Council that, if they would set a fee, he will write an amendment to the Business License Ordinance to include licensing fees for sexually oriented businesses. Following discussion, the Council determined that the item should be put on the agenda for the next Council meeting. Attorney Waddingham will draft an ordinance and City Recorder Dorothy Jeffery will survey some other cities to see what fees are being charged.

OTHER BUSINESS

Council Member Robert Droubay stated that he still has three businesses who have definitely committed to participation on the proposed electronic sign to be used to advertise upcoming community events. Council Member Droubay would like to send another letter to the businesses who have not responded, giving them another chance to participate, prior to approaching other businesses for participation. The Council Members all agreed to send out the second letter.

Mayor Dafoe reminded the Council Members that we have a grant for Centennial flag poles and those need to be in place by the end of June, 1997. The Council needs to determine where the poles should be placed. Mayor Dafoe has contacted some people for prices, but needs to get back to them. It was the feeling of the Council Members that the poles should be placed in the City Park near the Memory Tree and include some lighting and landscaping around them. Mayor Dafoe asked the Council Members to look at the Park and bring suggestions to the next Council meeting.

Council Member Dale Roper asked for an update on the proposed rose garden. Council Member Glen Swalberg said that the Committee is still attempting to find a spot for it. It was felt that the best position would be the triangular area on the west side of the park. Council Member Swalberg told the Council he will have an answer for them at the next Council meeting.

Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions

regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:45 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 02-24-97